



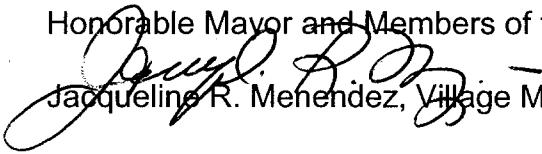
VILLAGE OF KEY BISCAYNE

Village Council

Robert Oldakowski, *Mayor*
Jorge E. Mencia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon

March 15, 2004

MEMORANDUM

TO: Honorable Mayor and Members of the Village Council
FROM:  Jacqueline R. Menendez, Village Manager
RE: Environmental Information Document
for the Sanitary Sewer Project

RECOMMENDATION

It is recommended that the Village Council approve the Agreement between Post Buckley Schuh & Jernigan, Inc. for preparation of an Environmental Information Document for the Village's Sanitary Sewer Project.

BACKGROUND

The Village of Key Biscayne was allocated \$1,000,000 in the Federal Omnibus Bill for the Sanitary Sewer Project. In order to receive these monies, the Village must first submit an Environmental Information Document (EID) to the Environmental Protection Agency (EPA). Once the EID is reviewed by the EPA, the Village will be able to draw down the \$1,000,000 allocated by the Omnibus Bill. The firm of Post Buckley Schuh & Jernigan drafted the original plans for the Village's Sanitary Sewer Project. PBS&J has the project background necessary to perform the EID in accordance to the EPA's requirements.

Funding for this agreement in the amount of \$14,500 will be taken from the Capital Improvement Fund.

RESOLUTION NO. 2004-

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED AGREEMENT ON BEHALF OF THE VILLAGE WITH POST BUCKLEY SCHUH & JERNIGAN, INC. FOR THE PREPARATION OF AN ENVIRONMENTAL INFORMATION DOCUMENT FOR THE VILLAGE OF KEY BISCAYNE SANITARY SEWER PROJECT, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne was placed on the Federal Omnibus Bill which allocates \$1,000,000 in federal funds for the Village of Key Biscayne Sanitary Sewer Project; and

WHEREAS, the Village of Key Biscayne must provide an Environmental Information Document (EID) to the Environmental Protection Agency in order to receive the \$1,000,000 allocation.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE AS FOLLOWS:

Section 1. That the Village Manager is hereby authorized to execute the attached Agreement, on behalf of the Village, with Post Buckley Schuh & Jernigan, Inc.

Section 2. Post Buckley Schuh & Jernigan will provide professional services for the preparation of an Environmental Information Document (EID) for the Village of Key Biscayne Sanitary Sewer Project in accordance with the Environmental Protection Agency's (EPA) requirements.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2004.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

**VILLAGE OF KEY BISCAYNE
AGREEMENT FOR
SERVICES**

THIS AGREEMENT, made and entered into on the _____ day of _____, 2004 by and between the Village of Key Biscayne, Dade County, Florida, party of the first (hereinafter called "Village"), and Post Buckley Schuh & Jernigan, Inc., party of the second part (Hereinafter called "Contractor");

RECITALS

The VILLAGE wants to engage the CONTRACTOR to perform certain services as described in accordance with paragraph 1, scope of services to this Agreement ("Specified Services"). The CONTRACTOR wants to provide such Specified Services in connection with professional services for the preparation of an Environmental Information Document (EID) for the Village's sanitary sewer project in accordance with the Environmental Protection Agency's (EPA) requirements.

In consideration of the mutual covenants in this Agreement, the parties agree as follows:

1. **SCOPE OF SERVICES**

A. The CONTRACTOR agrees, as directed by the Village Manager, to perform the following services: Post Buckley Schuh & Jernigan will provide the following services for the Village of Key Biscayne as described in "Exhibit A" attached hereto.

2. **FEES FOR SERVICES**

The CONTRACTOR agrees to charge the VILLAGE for performance of the Specified Services provided in accordance in "Exhibit A" in an amount not to exceed \$14,500.

3. **TERM**

The term of this agreement is 1 year unless terminated pursuant to paragraph 7 or extended pursuant to paragraph 9.

4. **GENERAL TERMS AND CONDITIONS**

The VILLAGE reserves the right to amend the scope of services with appropriate adjustments to the contract price.

5. ASSIGNMENT

This Agreement shall not be assignable by the CONTRACTOR.

6. PROHIBITION AGAINST CONTINGENT FEES

The CONTRACTOR, warrants that it has not employed or retained any company or person, other than a bonafide employee working solely for the CONTRACTOR, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person(s), company, corporation, individual or firm, other than a bona fide employee working solely for the CONTRACTOR any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement.

7. TERMINATION

This Agreement may be terminated by the VILLAGE upon ten days' written notice with or without cause and may be terminated by the CONTRACTOR upon 45 days' written notice with or without cause. If this Agreement is terminated, the CONTRACTOR shall be paid in accordance with the provisions of Paragraph 2 of this contract for all acceptable work performed up to the date of termination.

8. NONEXCLUSIVE AGREEMENT

The services to be provided by the CONTRACTOR pursuant to this Agreement shall be nonexclusive and nothing herein shall preclude the VILLAGE engaging other firms to perform the same or similar services for the benefit of the VILLAGE within the VILLAGE'S sole and absolute discretion.

9. ENTIRE AGREEMENT

The parties hereby agree that this is the entire Agreement between the parties. This Agreement cannot be amended or modified without the express written consent of the parties.

10. WARRANTIES OF CONTRACTOR

The CONTRACTOR hereby warrants and represents that all times during the term of this Agreement it shall maintain in good standing all required licenses, certifications and permits required under Federal, State and local laws necessary to perform the Specified Services.

The CONTRACTOR shall furnish proof that it has Worker's Compensation Insurance as required by Chapter 440, Florida Statutes and liability insurance in the amount of one million dollars, single limit, for bodily injury and property damage, in a form required by the Village's Risk Management office, with the Village named as additional insured on such liability insurance policy.

11. ATTORNEY'S FEES

In connection with any litigation arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs. This provision shall exclude all litigation resolved by agreement of the parties.

12. NOTICES

All notices and communications to the VILLAGE or CONTRACTOR shall be in writing and shall be deemed to have properly given if transmitted by registered or certified mail or hand delivery. All notices and communications shall be effective upon receipt. Notices shall be addressed as follows:

Village: Jacqueline R. Menendez
Village Manager
88 West McIntyre Street
Key Biscayne, Florida 33149

With a copy to: Village Attorney
Weiss Serota & Helfman
Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Suite 420
Miami, Florida 33133

Conchita H. Alvarez
Village Clerk
88 West McIntyre Street
Key Biscayne, Florida 33149

Contractor: Post Buckley Schuh & Jernigan, Inc.
2001 N.W. 107th Avenue
Miami, FL 33172

13. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms and conditions above stated on the day and year first above written.

CONTRACTOR:

Post Buckley Schuh & Jernigan, Inc.
2001 N.W. 107th Avenue
Miami, FL 33172

VILLAGE:

Village of Key Biscayne
88 West McIntyre Street
Key Biscayne, Florida 33149

By: _____

By: _____
Jacqueline R. Menendez
Village Manager

Attest: _____

Attest: _____
Village Clerk



An employee-owned company

EXHIBIT A

Transmitted Via: U.S. Mail/Facsimile

March 12, 2004

Ms. Jacqueline Menendez
Village Manager
Village of Key Biscayne
85 West McIntyre Street, Suite 201
Key Biscayne, FL 33149

RE: Key Biscayne Sanitary Sewer System Environmental Information Document Proposal

File: 01-0640.00 #1

Dear Ms. Menendez:

As per your request we are submitting our scope and fee proposal to provide Professional Services for the preparation of an Environmental Information Document (EID) for the Village's sanitary sewer system project in accordance with the Environmental Protection Agency's (EPA) requirements.

The EID will in general and as applicable, follow the attached outline. It should be noted that some of the information will need to be supplied to PBS&J by the Village. Specifically for example, funding status and public participation activities as described in Sections A and G of the attached outline, respectively.

Deliverables

Draft EID	5 Copies
Final EID	15 Copies

Schedule and Budget

Schedule

PBS&J is proposing the following schedule for this project:

Ms.. Jacqueline Menendez
Village of Key Biscayne
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<u>Task Description</u>	<u>Approximate Duration</u>
Draft EID	4 weeks
Final EID	2 weeks
Total (Not including City and Agency Review time)	6 weeks

Budget

PBS&J is proposing a lump sum fee of \$14,500 to complete the work as described herein.

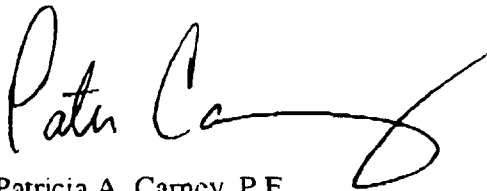
Exceptions

- PBS&J anticipates holding three meetings with the Village and/or permitting agencies through the duration of the project. Meetings called by the Village and/or permitting agencies in excess of the number specified above are not included in this proposal
- Any application or review fees associated with the EID and/or permits
- Public Hearings
- Copies of deliverables in excess of the number specified above

We appreciate the opportunity to submit this proposal, and look forward to once again working with the Village on this project. If you have any questions, please call me at (305) 514-3118.

Sincerely,

PBS&J



Patricia A. Carney, P.E.
Program Manager
Water / Wastewater Program

PAC/jrg

Environmental Information Document Instructions For Wastewater and Drinking Water Projects

The National Environmental Policy Act (NEPA) applies to the special appropriations projects (SPAPs). The NEPA regulations that apply to the SPAPs are the Council of Environmental Quality's implementing regulations at 40 CFR Parts 1500-1508 and EPA's NEPA regulations at 40 CFR Part 6, Subparts A through D. In January 1995, EPA issued two memorandums describing how the NEPA requirements and the intergovernmental review regulations at 40 CFR Part 29 apply to special appropriations projects that were authorized in fiscal year (FY) 1995. The requirements found in those memorandums also apply to the SPAPs authorized by the EPA Appropriations Acts for FY 1996 through FY 2002.

EPA reviews all SPAPs to assure compliance with NEPA and other environmental laws and regulations, such as the Endangered Species Act. For all projects that are not eligible for a Categorical Exclusion (CE), each grantee must complete an Environmental Information Document (EID). A suggested outline with descriptions is provided below. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative. The scope of the EID should be commensurate with the size and significance of the proposed project.

Prior to preparation of the EID, the applicant should obtain concurrence for the proposed project from the crosscutters, such as the State's Historical Commission, the US Fish and Wildlife Service, the US Army Corps of Engineers (wetlands, Section 404 permits, dredge and fill, structures placed in navigable waterways).

The EPA reviews the EID and makes a determination as to the environmental effects of the proposed project. If the project is found to have no significant effect, then EPA documents their findings with the preparation of an Environmental Assessment (EA) and issues a Finding of No Significant Impact (FNSI) for a 30-day comment period. Completion of the 30-day comment period without significant adverse opposition will complete the environmental review process. If the EPA cannot support a FNSI, the applicant will be required to take part in an Environmental Impact Statement.

Public participation should be included in the project planning process culminating in a public meeting or hearing that presents the proposed project to the public and includes discussion of both environmental and financial impacts. A record of the public meeting/hearing and proof of advertising should be included in the EID.

Environmental Information Document (EID) Outline for Wastewater and Drinking Water Projects

A. Proposed Project and Funding Status

This section should include a description of the project, the need for the project, and the cost of the project.

The project description should include the project name, owner and operator of the facilities, location of the facilities, and the planning area description. List all facilities and actions proposed by the facilities plan/engineering report. Functionally separate major components should be listed as separate items. For example, a treatment plant is an item, an interceptor line is an item, a new pump station is an item, etc. Sewer rehabilitation is an example of an "action."

The need for the facility should be briefly stated, such as: to solve a water quality or water quantity problem; to solve a public health concern; to correct inadequate system or system components; to increase treatment due to more stringent effluent limits; or for some other reason. If the effluent limits have changed, include the existing effluent limits and the proposed limits. More information for the need for the project will be presented in section D.

Relevant design parameters should include a description of major unit processes flow diagram, sewer/water pipe lengths, sizes, and locations, and basic design criteria

Include maps and figures no larger than 8.5 X 11 inches. Include a copy of a United States Geological Survey (USGS) 7.5" topographical map showing the existing and proposed facilities associated with the project and the overall project area. The location of major project components should be clearly identified, such as treatment works, sewer, water lines, pump station, storage facilities, etc.

Project costs should include proposed total project costs and all funding sources for the entire project.

B. Existing Environment

This section should describe aspects of the natural environment of the planning area that affected the alternative selection process or could be affected by implementing the plan. For example, for surface water discharge, it is not necessary to describe soil conditions in detail; however, any selected alternative using soil for treatment (septic tanks, spray irrigation, overland flow), should include a thorough description of soil conditions.

A description of surface waters and their quality is needed in every case, along with any

public health problems due to water quality. The classification of the surface waters should be stated, and a statement made to indicate if the waters are meeting the required water quality standards for that classification. Water quality sampling data can be presented, if available. There should be a qualitative statement at a minimum.

If the project impacts groundwater quality or quantity, a discussion of the existing groundwater quality should be included. For example, if ground water quality is being degraded by existing wastewater disposal methods and the proposed project will reduce or eliminate that impairment, a discussion of that issue should be included. The basis of establishing the groundwater impairment should also be discussed, including ground water sampling or other data sources. This information may also be given in Section E. Need for Proposed Facilities.

Describe briefly any special or sensitive environmental areas such as wetlands; air quality non-attainment areas; endangered or threatened species; prime or unique agricultural lands; areas of recognized scenic, recreational, archeological or historic value; valuable floral or faunal communities; wild or scenic rivers; drinking water (surface or groundwater) sources; floodplains; recreational or commercial uses of potential receiving streams; and parkland or other public lands.

Include environmental justice information. In preparing the EID, the grantee must identify any minority populations and low-income populations which exist within the overall planning area or which may otherwise be impacted by the project (e.g. downstream or downwind communities). Native American communities, including their traditional resource areas are included. If these areas would be affected by an alternative under consideration, more detail should be provided.

For those special environments not found in the planning area, make a statement such as "No wetlands, wildlife preserves, prime agricultural lands, or other environments of special interest are located where they could be impacted by implementation of the recommended facilities."

C. Existing Wastewater Facilities/Drinking Water System

This section should begin with a general description of the wastewater collection and treatment system for the planning area for both wastewater and drinking water projects. Describe existing collection, transport, treatment and sludge facilities. The service area(s) of these facilities should be described briefly and shown on an attached figure. Mention the condition of the facilities, especially as it affects alternative selection. For existing treatment plants, state: 1) original design capacity and effluent limits; 2) existing permit limits; and 3) actual performance over a recent period.

For wastewater projects, include wastewater flows (average, peak, and wet weather), influent characteristics, major industrial users, and infiltration and inflow. Sewered and unsewered

areas should be mentioned and shown on the figure.

Where septic tanks are prevalent in all or part of the service planning area, their performance should be described. Explain any problems. It is not sufficient merely to state that malfunctioning septic tanks are causing a problem. Some documentation of the problem should be cited, and details given about the location and severity of the problems.

For drinking water projects, include a description of the existing treatment and distribution system, water demand (average and peak), surface water sources including intake locations and permitted and actual withdrawal, groundwater sources, location of wells and well fields, water storage, raw water characteristics, residual and backwash disposal and the service area.

Include existing system performance for all facilities.

D. Need for Proposed Facilities and Actions

This section should provide a summary of the need for wastewater or water facilities or actions, emphasizing existing public health or water quality problems. These problems typically include water quality violations or problems, documented public health hazards, National Pollutant Discharge Elimination System (NPDES) permit non-compliance, existing facility overload, insufficient capacity for projected demand, failing on-site systems, insufficient pressure, etc.

For wastewater projects effluent limits are to be stated, and their derivation explained. Describe different limits for different potential receiving streams.

If sewer rehabilitation is a proposed action, it should be justified by a brief quantitative summary of the inflow/infiltration (I/I) problem. Location of the severe I/I areas should be stated and shown on a figure if needed to identify significant project tasks.

Other special situations may justify proposed facilities.

Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data. Existing and projected flows should be presented. Include land use projections, and the future environment without the project.

E. Alternative Analysis

All alternatives analyzed should be described. The development of alternatives should include the no-action alternative (the environment without the project), optimum utilization of existing facilities including flow reduction and water conservation, and new construction alternatives.

An explanation should be given for rejecting or selecting alternatives. The explanation should include present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the alternatives; significant environmental effects; and legal or institutional constraints.

F. Environmental Consequences; Mitigative Measures

Identify which reasonable alternative has been selected, and state the reasons why this alternative has been chosen.

Describe and document the environmental effects of the selected alternative on each of the different environmental aspects listed in this section. Address the direct, indirect and cumulative effects for each aspect.

Direct effects are changes directly related to the project activity. Indirect effects are changes that occur later in time or are removed in distance which are reasonable foreseeable, such as community growth, population density, land use, and natural environment. Cumulative effects are the total changes to the environment resulting from the effect of the selected alternative when added to the effect of other past, present, or reasonable foreseeable future actions. Discuss any mitigation measures necessary to avoid or minimize any adverse impact.

One important secondary impact of a project could be the development/growth that would be encouraged or enabled by the construction of the project. The impact of that growth must be addressed, including potable water demands, wastewater produced, land use changes, impact on natural areas or wildlife, and other such concerns.

This section should describe anticipated impacts on the environment and measures proposed to mitigate those adverse impacts. Discuss recommendations from the crosscutting agencies that implement environmental laws and include agency approval/sign-off letters in an appendix to the EID. For each of the laws that is not applicable, provide a comment stating that the law is not applicable.

Environmental laws that must be considered include:

Archeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended;
Coordinate with the State Historic Preservation Officer.

Clean Air Act, Pub. L. 84-159, as amended;

Address any impacts on air quality. If construction activities will generate dust emissions that need to be controlled, indicate what methods will be used to minimize these emissions. Address any potential sources of odor or emissions that

may be generated or eliminated through the implementation of the project.
Coastal Barrier Resources Act, Pub. L. 97-348;

Determine if the project is located on a coastal barrier island. If so, coordinate with the State Coastal Zone Management Agency.

Coastal Zone Management Act, Pub. L. 92-583, as amended;

Determine whether the project is located in a coastal zone management area. If so, obtain comments from the Coastal Zone Management Program.

Endangered Species Act, Pub. L. 93-205, as amended;

Identify any federally endangered and/or federally protected species within the project area through coordination with the U.S. Fish and Wildlife Service

Environmental Justice, Executive Order 12898;

See Environmental Justice information in Section 19 of the SPAPs workbook.

Floodplain Management, Executive Order (EO) 11988 as amended by EO 12148;

Coordinate with Federal Emergency Management Agency (FEMA) if any part of the project is located in a floodplain.

Protection of Wetlands, Executive Order 11990;

Coordinate with United States Army Corps of Engineers if wetlands will be impacted by the project.

Farmland Protection Policy Act, Pub. L. 97-98;

Coordinate with the Natural Resource Conservation Service (NRCS) to protect significant/important agricultural land from irreversible conversion to uses which result in its loss as an environmental or essential food production resource.

National Historic Preservation Act of 1966, PL 89-665, as amended;

Coordinate with the State Historic Preservation Officer.

Fish and Wildlife Coordination Act, Pub. L. 85-665, as amended;

Coordinate with the US Fish and Wildlife Service

Safe Drinking Water Act, Pub. L. 93-523, as amended;

Identify if the project will affect sole source aquifers. If so, contact your Region 4 project officer.

Wild and Scenic Rivers Act, Pub. L. 90-542, as amended;

Determine whether the project will have any effects on any river in the National Wild and Scenic Rivers system, the "Nationwide Rivers Inventory," or an American Heritage River. If the project is located within one mile of one of these designated streams, contact the National Park Service and the department

of Conservation and National Resources for comments.

Most environmental impacts to be considered are the features described in Section B, Existing Environment (above). There may also be direct or indirect impacts on land use practices, neighborhood stability, air quality and noise levels. Any such impacts should be described.

It is not necessary to discuss special environmental areas (wetlands, etc.) that have been identified in Section B, Existing Environment, as not found in the project area. On the other hand, if any special environments are mentioned in Section B and are located in the project area, something must be said in this section about impacts of the project(s) on them.

All structural and nonstructural mitigative measures should be described. If the usual minimizing of erosion during construction is the only expected mitigative measure, this can be mentioned in one short sentence. Detailed description is needed only for more unusual mitigative measures that respond to some public or regulatory agency concern over a perceived threat to the environment or public health.

Include a discussion of necessary permits (NPDES, 404, etc.) issued or needed, as well as necessary inter-municipal agreements executed or pending.

G. Public-Participation; Sources Consulted

Summarize all public participation, including meetings and public hearings, noting any public objections. EPA Region 4 has identified minimum requirements for the public participation process in SPAPs grants. A description of these requirements can be found in Section 20 of the SPAPs Grant Procedures Workbook. For complex or controversial projects, a public hearing may be required. In addition, if there has been significant public objection based on an environmental concern, an Environmental Impact Statement may be necessary. Include documentation of the necessary public meeting, including the public meeting date, public meeting transcripts, audiotape or video, and proof of publication of the notice of the meeting in the local newspaper.

Although not required, we recommend presenting to the public the typical residential user charge estimated to result from implementation of the plan.

List all sources consulted for information and/or concurrence. The State Clearinghouse, for those states that have clearinghouses, should always be one of the entities consulted. If any comments have been offered opposing any aspect of the plan, explain how those comments have been resolved.